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New roles for the OHS representatives - from employee representation to problem-solving

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Abstract

The changing role of occupational health and safety representatives (OHS reps) is studied in Danish enterprises and the results indicate that representation, and especially negotiation on behalf of colleagues, has diminished. The work environment is mainstreamed in many enterprises and it is rarely an area of conflict. The role of the OHS reps has accordingly changed to focus on solving specific problems at the workplace. Both management and colleagues consider the OHS reps as a resource that can be utilized to manage the work environment. The consequences of this development for the employees consist of both advantages and disadvantages.

Keywords. Safety reps, employee voice, regulation, health and safety management

1. Introduction

The right of the employees to elect OHS representatives has evolved in most European countries in the decades after WWII. Initially, election of OHS reps was based on collective agreements and they were considered a supplement to the shop stewards. During the time of work environment reform with new legislation which mainly took place in the 1970s, the right to elect OHS reps was included in most European laws (James & Walters, 2002), and the EU framework directive from 1989 required to have provisions for safety reps in all the EU countries (Walters (ed) 2002). An important element was to secure the voice of the employees through elected OHS reps but they were also a part of the new legislative approach which built on framework paragraphs in the law and reflexive regulation (Robens, 1972; Aalders & Wilthagen, 1997; Wilthagen, 1994). The law was expected to give the employers the instruments to control the work environment themselves, and employee participation was considered to play an important role in this self-regulation. It has been discussed at the European level whether the OHS reps ever got a chance to play their expected role, and weak legislation and lack of support of the OHS reps have been criticized (Walters & Nichols, 2007; Walters, 2006).

In Denmark the fundamental right to elect OHS reps was secured with the Work Environment Act from 1975. An important emphasis was on securing rights for the OHS reps to be informed and involved in control of the work environment. The specific Danish methods was to establish a collaborative system consisting of OHS groups (reps and first line managers) at the local departmental level and joint OHS committees at enterprise level. This internal OHS organization with election of OHS reps and establishment of OHS groups and committees got implemented in most of the Danish private and public

organizations with more than 10 employees (Hasle, 2001; Jacobsen, 2011).

In the first decades after the act was passed by the Parliament, the representative part of the role – including negotiating on behalf of colleagues – constituted an important element (Kabel, Limborg, Møller, Sørensen, & Kragh, 2008), but it has probably also from the onset included other elements such as participation in problem solving. As time passed, the role of the OHS reps has changed. An important precursor for the new role has been a series of successive changes of the legislative requirements for the establishment of the OHS organization. The original design was based on the understanding of an organization as something resembling a medium-sized industrial plant with a couple of hundred employees. As organizations got more complicated, and as the public sector also established OHS organizations and elected OHS reps, the standard system became a straitjacket, and the Danish Working Environment Authorities started to give dispensation for alternative setups but always with elected OHS reps as an important part (Hasle, 2001). This development was subsequently mirrored by changes in the legislation which among others allowed the social partners to make agreements about alternative ways of organizing the OHS organization (Sørensen, Hasle, & Navrbjerg, 2009). The largest change came in 2010 with a more basic reform of the requirements for an OHS organization. The legislation now requires establishment of a basic OHS organization, but it is now up to the individual enterprises to design a system which is fitting to the context of those particular enterprises. It is also still required to have elected OHS reps but otherwise there are very few demands for specific organizational forms but there are still requirements for certain activities such as training of OHS reps and first line managers and yearly deliberations between the management and employees about evaluation of the preceding year and plans for the next year.

In parallel with the development of the regulation of OHS reps and the OHS organization, the employer understanding and priority of the work environment have also developed, among others much more focus on systematic OHS management has evolved (Frick et al., (eds) 2000; Hasle & Zwetsloot, 2011). The work environment is to a greater extent mainstreamed and considered an issue which should be managed just as many other manageable issues in the enterprises (Frick, 2011; Neumann & Dul, 2010). These changes in the employer approach to the work environment can therefore be expected to influence the role of the OHS reps (Knudsen, Busck, & Lind, 2011; Hohnen & Hasle, 2010). It is this potentially new role of the OHS reps which is the topic for this paper, and we explore whether new roles can be identified and how they can be characterized.

2. Method

This paper reports from a study which investigated trends in the development of OHS management systems in Danish enterprises with a special focus on the legal OHS organization including the OHS reps. It is designed as an exploratory, multiple qualitative case study. 60 enterprises were selected from a national survey of OHS activities in firms¹² stratified on their extent of OHS activities and main labour market sectors. The firms were visited and key personnel related to the organization's OHS management were interviewed. Between two and six people were interviewed in each enterprise; including OHS reps and OHS coordinators. The findings were described in a standardized case study report. The reports from the 60 enterprises were coded and analyzed for common

¹² <http://www.arbejdsmiljoforskning.dk/da/arbejdsmiljoedata/arbejdsmiljoe-og-helbred-20/arbejdsmiljo-og-helbred-2012/sammenhaeng-mellem-arbejdspladsernes-svar-og-de-ansattes-svar> (accessed 11.03.14)

trends and differences between enterprise strategies. Several development trends were identified, and in this paper we focus on development trends related to the role of the OHS reps.

3. Results

The results of the multiple case study indicate a significant shift in the role of OHS reps. The more traditional role of OHS reps as employee representatives taking care of the interest of their colleagues in line with the role of shop steward was not observable to any significant degree, and the interviewed OHS reps did not identify themselves with such a role. The most clear trend is towards a mainstreaming of the work environment in the enterprises where this has become one issue among many others with certain tasks and allocation of staff. OHS reps are in many cases enrolled as a function helping to solve the problems related to the work environment. This trend can take many different forms in the individual firms, and there is not always a clear role for the OHS reps. In order to illustrate some of the most important forms, we have selected four typical cases presented below.

3.1 Professional OHS reps

Many enterprises have chosen a system with fewer OHS reps that get more time and more education. Generally, it can be described as a trend towards professionalization. One clear example is drawn from a small food plant with approximately 35 employees on permanent staff and double during the peak season. It is owned by a larger corporation. In 2011 the company started to feel the economic crises with declining sales. Almost simultaneously labour inspectors visited the company and issued several enforcement notices. This situation was used to reorganize the plant. A new management was appointed who decided to let the OHS rep (who was also shop steward) take full time responsibility for OHS management. The OHS rep now handles all daily tasks associated with the work environment. Furthermore, he works closely together with the plant manager on managerial tasks such as production planning, quality control and implementation of new technology. This has resulted in a substantial improvement in the work environment.

3.2 Task oriented OHS reps

In some enterprises OHS management is organized according to specific work environment issues, and OHS reps are subsequently allocated to such issues. One clear example is drawn from an enterprise with 300 employees – primarily unskilled workers. The enterprise manufactures different types of bread for retail sale. It is family-owned, and during the last five years there have been many changes in the top management of the enterprise. The OHS organization in the enterprise has fulfilled the requirements of the Danish legislation, but on a rather low activity level. It changed in 2010 when the new legislation came into force and a new OHS coordinator was appointed. She initiated a reorganization of the OHS management system. The reorganization was based on a work group with management and OHS rep participation. The result was a completely new setup for the OHS organization. In the new setup the focal point is groups assigned to specific topics such as chemicals, psychosocial work environment and physical work environment. The groups consist of both OHS and management reps. The OHS representatives were identified by asking whether they wanted to participate and if they had a specific area they wanted to specialize in. The result is a much more active and innovative OHS management system with active OHS rep participation.

3.3 Integration of OHS reps in core activities

In some enterprises, especially in the public sector, there is a trend to include the OHS reps into problem-solving related to the core tasks of the organizations. One likely reason is that the main work environment problems are related to psychosocial factors and musculoskeletal strain which are closely related to the core activities in areas such as elderly care, day care and primary schools. One example is an elderly care centre in a medium-sized municipality. The centre has 40 employees and most of the elderly residents suffer from dementia. It has one OHS rep who works closely together with the shop steward and the centre leader. The OHS rep describes the three as a team where they coordinate activities and for instance jointly prepare staff meetings. The work environment activities have focused on the relations with the elderly and their relatives. Among the important issues have been coordination across shifts, social support in difficult situations and treatment of challenging residents in order to avoid violence.

3.4 Management dominated OHS activities

It is not in all enterprises that the OHS reps play an important role in solving work environment problems. In a number of enterprises the management plays a dominating role and OHS reps are more or less pushed to the side-lines. One extreme example of domination by management is from a larger financial enterprise with >4,000 employees. Top management had realized that the traditional set-up of the OHS organization did not function; neither the OHS reps nor the management was adequately committed. In order to increase priority the top management decided to integrate the work environment in operations. Line management has therefore been given full responsibility for OHS management. One consequence is that all managers are supposed to follow a web-based basic OHS training program. The number of OHS reps is subsequently reduced considerably, and they cover now large geographical areas with up to 15 separate locations each, for which they do not have any natural physical contact. The remaining OHS reps get access to information and interesting seminars, but they do not play a clear role in the OHS activities, and it seems to be difficult to get access to work environment decisions as not all line managers follow up on the new responsibility in the way it was intended.

4. Discussion

The roles outlined above are examples from concrete enterprises, they are therefore also expressions of the personalities of the individual OHS reps, but as these roles are played out in the organizations, they can also be taken for the roles wished for or allowed by the organizations. Furthermore, the described roles represent development trends that have been identified in several of the 60 case enterprises and not only in the concrete example. Several interesting observations can therefore be highlighted from the study. The OHS reps role may already at an early stage have included several elements in addition to the traditional role of take care of the interest of colleagues but it is remarkable that the interest role was nearly absent in the 60 cases. It may be related to the trend towards mainstreaming the work environment in most of the enterprises. It is treated as any other issue, and in the management search for efficient OHS management systems OHS reps are in most cases included in the organizational solutions. There is therefore not a general trend to downgrade the work environment or exclude OHS reps. This development seems to be well in accordance with the view point of OHS reps. They appreciate being included in problem solving, and they do not yearn for a more interest and possibly conflict oriented role. This result is in accordance with other new

Danish research (Rasmussen, Hasle, & Andersen, 2014; Hohnen & Hasle, 2010; Knudsen et al., 2011). The development is in many cases followed by a trend towards fewer and more professional OHS reps that are better educated and spend longer time on the work environment activities. It is therefore possible that this more flexible system opens a stronger OHS rep voice because the reps get more qualified and able to afford to spend the time to be involved.

However, the change of focus from on representation to problem solving is not without drawbacks. There is a risk of the OHS reps moving away from identification with the colleagues to identification with OHS professionals and/or management which is an issue found in studies of shop stewards working closely together with management (Mathiesen & Hvenegaard, 2001; Rolfsen, 2011). They get more insights into the understandings of both parties and they may tend to accept their positions and thereby move away from the position of the colleagues. That was in particular the case in the food plant, but it was also noticed in other cases. There seems, therefore, to be a need for a kind of balance where too few OHS reps using all or most of their time for the rep function may move the reps away from their colleagues, whereas a certain strengthening of the not too few OHS reps with more time and education can be beneficial for both their colleagues and the enterprise.

In addition there are cases such as the financial enterprise where mainstreaming of the work environment and the quest for an efficient OHS management system tend to push OHS reps out to the side-line without any real influence. However, in cases such as the financial enterprise the OHS reps did not have stronger influence prior to the changed set up. OHS management systems with a weak employee voice tend to be less effective (Frick, 2011; Walters & Nichols, 2007). A weak influence for the OHS reps could probably also be the case in some of the more positive cases when it comes to more strategic decision making. It was difficult in the case studies to get any clear evidence about this type of decisions, although the case of the food plant constitutes an example where the OHS rep did exercise an influence on more strategic decisions.

It must also be noted that the existence of legislation requiring the election of OHS reps and an employee voice is an important prerequisite, otherwise it could be expected that many enterprises will choose another strategy with a fully professional OHS management system with a rather low level of employee voice.

5. Conclusion

A tentative conclusion could be that there seems to be a simultaneous development in employer mainstreaming of the work environment and introduction of a more flexible regulation of the organization of OHS management systems and the set-up for OHS reps. This development opens up new possibilities for OHS reps where they can play an important role in helping to improve the work environment for themselves and their colleagues. But the risk is that others, they may move away from the identification with their colleagues..

The results also call for more in-depth studies of the actual function of the OHS management systems and the role of the OHS reps as well as the consequences for the work environment. Interesting questions are among others how the OHS reps get involved in practical problem solving and whether the risk of moving away from colleagues does materialize in practice. Also the possibilities for participations in more strategic decisions among others in the joint OHS committees should be further explored.

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